



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

January 23, 1991

Robert Bernstein, M.D., F.A.C.P.
Commissioner of Health
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756-3199

OR91-039

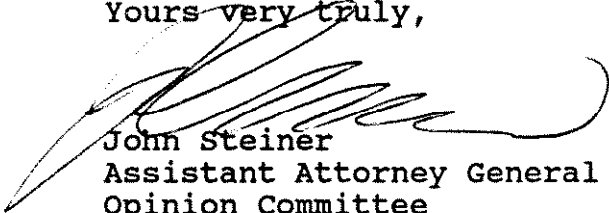
Dear Dr. Bernstein:

You ask whether certain information regarding Sharon Langley Boulware d/b/a Langley House is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10826.

We have considered the exception you claimed, specifically section 3(a)(3), and have reviewed the documents at issue. You advise litigation is currently pending with respect to the requested information and that the state is a party to this litigation. A previous determination of this office, Open Records Decision No. 551 (1990), a copy of which is enclosed, resolves your request. Accordingly, you may withhold the requested information if the assistant attorney general representing your agency determines the information should be withheld, but you are not required to do so. Please note the discussion on page 4 of Open Records Decision No. 551 regarding the duration of the litigation exception.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-039.

Yours very truly,


John Steiner
Assistant Attorney General
Opinion Committee

JS/le
Ref.: ID# 10826
Enclosure: Open Records Decision No. 551

cc: Michael S. Ratcliff
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